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January 14, 2021

ORANGE BEACH OFFICE 25299 CANAL ROAD, SUITE A-6 ORANGE BEACH, AL 36561

The Honorable Robert G. Taub, Chairman Postal Regulatory Commission 901 New York Avenue NW, Suite 200 Washington, D.C. 20268

RE: In the Matter of Spanish Fort, Alabama 36527 / Appeal of Postal
Service Determination to Close Spanish Fort Post Office / Docket No. A2020-1

Dear Mr. Taub:

Enclosed with this letter you will find a copy of Resolution No. 1121-2020 of the City Council of the City of Spanish Fort, Alabama, opposing the closing of the Spanish Fort Post Office, the discontinuance of postal services and the removal of post office boxes and requesting the United States Post Master General, the Postal Regulatory Commission, elected officials and all appropriate authorities to review the actions taken by the United States Postal Service. Also, enclosed you will find a petition signed by approximately 278 individuals opposing the closing of the Spanish Fort Post Office. Petition signatures are still being received, and we will supplement as deemed necessary. This is being filed in further support of the appeal filed by the City of Spanish Fort. The City will be filing a response to the Postal Service's Motion to Dismiss as well.

If you have any questions or concerns, or if you need any additional information, please do not hesitate to contact me.

Yours very truly,

DAVIDJ. CONNER

City Attorney for the City of Spanish Fort

Enclosures

The Honorable Robert G. Taub Chairman Postal Regulatory Commission Page 2

xc: The Honorable Louis Deloy, Postmaster General and Chief Executive Officer of the

United States Postal Service

The Honorable Ashley E. Poling, PRC Vice Chairwoman

The Honorable Michael Kubayanda, PRC Commissioner

The Honorable Mark Acton, PRC Commissioner

The Honorable Ann C. Fisher, PRC Commissioner

Senator Richard Shelby

Senator Tommy Tuberville

Representative Jerry Carl

Mayor Michael M. McMillan

R. Curtis Smith, Council Member

Clewis Smith, Jr., Council Member

Mary W. Brabner, Council Member

Shane Perry, Council Member

Carl Gustafson, Council Member

Rebecca A. Gaines, City Clerk

RESOLUTION NO. 1121-2020

A RESOLUTION OPPOSING THE CLOSING OF THE SPANISH FORT POST OFFICE, THE DISCONTINUANCE OF POSTAL SERVICES AND THE REMOVAL OF POST OFFICE BOXES AND REQUESTING THE UNITED STATES POSTMASTER GENERAL, THE POSTAL REGULATORY COMMISSION, ELECTED OFFICIALS AND ALL APPROPRIATE AUTHORITIES TO REVIEW THE ACTIONS TAKEN BY THE UNITED STATES POSTAL SERVICE

WHEREAS, the provision of mail delivery and related postal services has been deemed an essential function of the United States government since the beginning of this great country; and

WHEREAS, the people and businesses in this country rely on the United States Postal Service ("USPS") for the provision of these essential services, and the services provided by the USPS are vital to the City of Spanish Fort and the surrounding community; and

WHEREAS, the Spanish Fort Post Office has been serving the Spanish Fort community for approximately fifty years, and there have been continual requests to enlarge and/or build a new post office in Spanish Fort to provide needed services to the community; and

WHEREAS, the City of Spanish Fort is one of the fastest growing communities in Baldwin County and now has a population of approximately 9,214 residents residing in the corporate limits of the City, which is a growth in population of approximately 19.3% in the last five years, and there are thousands of people residing just outside the corporate limits in the surrounding Spanish Fort community; and

WHEREAS, while Baldwin County (approximately the size of the state of Rhode Island) is one of the largest counties in the United States east of the Mississippi river in land mass, with a population of approximately 223,234 residents, Baldwin County still has many rural areas, and the Spanish Fort Post Office provides service to the surrounding rural areas as well; and

WHEREAS, the need and demand for postal service in the City of Spanish Fort has grown and will continue to grow based on planned and future development of the City, including economic development projects and large residential developments which have been approved and are under construction which will result in thousands of new residents in a very short time; and

WHEREAS, essential services offered by the United States Government by and through the United States Postal Service are necessary for the orderly development, operation and business of any community and its residents; and

WHEREAS, the USPS began the process of soliciting bids for a Contract Postal Unit to be located in the City of Spanish Fort; and

WHEREAS, while it is our understanding that United States Senator Richard Shelby and United States Representative Bradley Byrne of Alabama were informed that the post office boxes located within the existing Spanish Fort Post Office would remain in the City of Spanish Fort, however, pursuant to the new solicitation of bids, it now appears that Senator Shelby and Representative Byrne were misled by the USPS, as the solicitation for bids did not include a provision that the post office boxes remain in the City of Spanish Fort; and

WHEREAS, the City is aware that bids were submitted in response to the solicitation for bids that included the condition that the post office boxes remain in the City of Spanish Fort, the USPS has rejected the bids submitted; and

WHEREAS, in spite of the fact that the elected officials at the federal and local level were informed that a Contract Postal Unit with post office boxes would remain in Spanish Fort, that appears to be contrary to the actions taken by the USPS; and

WHEREAS, it has come to the attention of the City of Spanish Fort that the USPS now plans on closing the Spanish Fort Post Office on January 15, 2021, based on a notice that was issued by the United States Postal Service on December 10, 2020, and the USPS plans to move the Spanish Fort post office boxes to the City of Daphne Post Office; and

WHEREAS, it is our belief that the USPS did not comply with letter and/or the intent of the Code of Federal Regulations entitled Post Office Organization and Administration: Establishment, Classification, and Discontinuance, 39 C.F.R. Part 241, which outlines the procedures for the closing of a post office which include, but are not limited to, the following: (1) initiating a closure, (2) public notice

of a proposal, (3) public comment period, (4) internal review, (5) final determination notice, and (6) an appeals process; and

- WHEREAS, the USPS has taken the position that a Community Post Office (CPO) and Contract Postal Unit (CPU) are not post offices subject to the provisions of 39 C.F.R. Part 241, and therefore, it is the USPS's position that the closure or discontinuance of a CPO or CPU are not subject to review by the United States Postal Regulatory Commission which is charged with regulatory oversight of the USPS; and
- WHEREAS, we believe that the USPS position is incorrect and deprives the public of any meaningful opportunity to participate in the decision-making process to close a post office, and virtually allows the USPS to close a post office in a growing community without any oversight by any regulatory body; and
- WHEREAS, the impact to a growing community based on the closing of its only post office which has been in operation for approximately fifty years is the same whether or not that post office is a main post office, CPO or CPU and should be subject to regulation and review; and
- WHEREAS, the City Council hereby expresses its opposition to the closing of the Spanish Fort Post Office without any meaningful public input and the consideration of all appropriate factors required by applicable laws, rules and regulations; and
- WHEREAS, the closing of the Spanish Fort Post Office will have a detrimental effect on the City of Spanish Fort and the surrounding community, the City Council desires to take the following action.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPANISH FORT, ALABAMA, AS FOLLOWS:

- **SECTION 1.** The City Council hereby opposes the closing of the Spanish Fort Post Office, as its services are vital to our growing community.
- **SECTION 2.** The City Council hereby authorizes the Mayor, the City Attorney and staff to take any and all action deemed necessary related to the proposed closing of the United States Post Office and the removal of the post office boxes from the City.
- **SECTION 3.** The City Council hereby requests the USPS to follow all applicable laws, rules and regulations related to the closing of a United States Post Office, including, but not limited to, those provisions set forth in Post Office Organization and Administration: Establishment, Classification, and Discontinuance, 39 C.F.R. Part 241, in order to allow sufficient analysis, public comment and a review of all applicable factors in making this decision.
- **SECTION 4.** The City Council hereby requests that the United States Postal Regulatory Commission ("PRC") review all actions taken by the USPS related to the closing of the Spanish Fort Post Office and, at a minimum, order that the USPS be required to comply with all requirements set forth in 39 C.F.R. Part 241 and all applicable laws, rules and regulations related to the closing of a post office.
- **SECTION 5.** The City Council hereby requests that the Postal Regulatory Commission reconsider its previous determination that Community Post Offices and Contract Postal Units are not post offices subject to the closure or discontinuance procedures set forth in 39 C.F.R. Part 241.
- **SECTION 6.** The City Council hereby requests that the Postal Regulatory Commission determine that, under the circumstances, the City of Spanish Fort is a sole source provider and to reconsider the definition of post office and the exceptions which allow the USPS to close post offices in communities around the country without due consideration of the interest of the public served by the post offices.
- **SECTION 7.** In light of the effects of the COVID 19 pandemic and social distancing requirements that must be maintained inside public facilities, if the Spanish Fort Post Office is closed, there would be increased demand for services at other postal locations. Therefore, the City Council hereby requests that the USPS and the Postal Regulatory Commission consider postponing the closing of the post office at this time.
- **SECTION 8.** The City Council hereby requests that the USPS and the Postal Regulatory Commission take any and all actions deemed necessary to stop the closure of the Spanish Fort Post Office to allow time for the proper review, analysis and public input that such a decision demands.

SECTION 9. This Resolution shall become effective upon its adoption.

ADOPTED and APPROVED this 11th day of December, 2020.

Michael M. McMillan Mayor

ATTEST:

Rebecca A. Gaines City Clerk

PETITION TO THE UNITED STATES POSTAL SERVICE, THE UNITED STATES POSTMASTER GENERAL, THE POSTAL REGULATORY COMMISSION, ELECTED OFFICIALS AND ALL APPROPRIATE AUTHORITIES TO REVIEW THE ACTIONS TAKEN BY THE UNITED STATES POSTAL SERVICE AND TO STOP THE CLOSING OF THE SPANISH FORT POST OFFICE

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3	12/15/2020 17:06:52		Laura Russell
4	12/15/2020 17:07:21		Josh Reaper
5	12/15/2020 17:09:35		Paul LeRoy Thompson
6	12/15/2020 17:24:55		Cathy Thomas
7 8	12/15/2020 17:25:09 12/15/2020 17:25:34		Emily Hemphill
9	12/15/2020 17:26:24		Christina Wiggins Kristi Simmons
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17	12/15/2020 18:29:29	EMA	Elizabeth Meador Allen
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35	12/15/2020 20:13:29	SMC	Stephen Matthew Campbell
36	12/15/2020 20:14:41	EVH	Elizabeth Eubanks Von Hofe
37	12/15/2020 20:17:29	LH	Lacy Watkins
38	12/15/2020 20:18:53		Kristin Renee Golesh
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58 59 60 61 62 63 64 65 66 67 68 69 70 71	12/15/2020 22:13:41 12/15/2020 22:39:37 12/15/2020 22:51:18 12/15/2020 23:00:01 12/15/2020 23:05:31 12/16/2020 23:55:31 12/16/2020 2:25:04 12/16/2020 2:25:04 12/16/2020 4:37:08 12/16/2020 5:00:22 12/16/2020 5:14:26 12/16/2020 5:33:54 12/16/2020 5:44:28 12/16/2020 6:01:49 12/16/2020 6:01:49	TP BAJ Ben Blackmon KJS JM NLM PK SJM At Tt SB Tbh HRC SBL PLM Hhg	Toni Plummer Brad Jernigan Benjamin M Blackmon Kimberly Short Jonathan Moseley Nathalie Lynn Middleton Patti Kelso Sandra J. Mashner Ashley Turbeville Tory Toomey Sandra Blount Tammy b henry Helen R Cooper Shelly B LaGroue Patricia LMacon Heather Gill
58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73	12/15/2020 22:13:41 12/15/2020 22:39:37 12/15/2020 22:51:18 12/15/2020 23:00:01 12/15/2020 23:55:31 12/16/2020 23:55:31 12/16/2020 2:55:04 12/16/2020 4:37:08 12/16/2020 4:54:29 12/16/2020 5:14:26 12/16/2020 5:44:28 12/16/2020 5:44:28 12/16/2020 6:45:40 12/16/2020 6:13:54	TP BAJ Ben Blackmon KJS JM NLM PK SJM At Tt SB Tbh HRC SSBL PLM Hhg MAC	Toni Plummer Brad Jernigan Benjamin M Blackmon Kimberly Short Jonathan Moseley Nathalie Lynn Middleton Patti Kelso Sandra J. Mashner Ashley Turbeville Tory Toomey Sandra Blount Tammy b henry Helen R Cooper Shelly B LaGroue Patricia LiMacon Heather Gill Maria Ann Callaghan
58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74	12/15/2020 22:13:41 12/15/2020 22:39:37 12/15/2020 22:50:18 12/15/2020 23:00:01 12/15/2020 23:55:31 12/16/2020 2:25:04 12/16/2020 2:25:04 12/16/2020 4:54:29 12/16/2020 5:00:22 12/16/2020 5:44:28 12/16/2020 5:44:28 12/16/2020 5:44:29 12/16/2020 6:45:42 12/16/2020 6:45:42 12/16/2020 6:45:42 12/16/2020 6:45:42 12/16/2020 6:45:42 12/16/2020 6:45:42 12/16/2020 6:45:42 12/16/2020 6:45:47:09 12/16/2020 6:13:28 12/16/2020 6:23:47	TP BAJ Ben Blackmon KJS JM NLM PK SJM At Tt SB Tbh HRC SBL PLM Hhg MAC DSS	Toni Plummer Brad Jernigan Benjamin M Blackmon Kimberly Short Jonathan Moseley Nathalie Lynn Middleton Patti Kelso Sandra J. Mashner Ashley Turbeville Tory Toomey Sandra Blount Tammy b henry Helen R Cooper Shelly B LaGroue Patricia LMacon Heather Gill Maria Ann Callaghan David S Stewart
58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73	12/15/2020 22:13:41 12/15/2020 22:39:37 12/15/2020 22:50:18 12/15/2020 23:50:01 12/15/2020 23:55:31 12/16/2020 23:55:31 12/16/2020 23:55:31 12/16/2020 2:25:04 12/16/2020 4:54:29 12/16/2020 5:04:29 12/16/2020 5:44:28 12/16/2020 5:47:09 12/16/2020 6:01:49 12/16/2020 6:03:47 12/16/2020 6:23:47 12/16/2020 7:08:03 12/16/2020 7:08:03	TP BAJ Ben Blackmon KJS JM NLM PK SJJM At Tt SB Tbh HRC SBL PLM Hhg MAC DSS AVH	Toni Plummer Brad Jernigan Benjamin M Blackmon Kimberly Short Jonathan Moseley Nathalie Lynn Middleton Patti Kelso Sandra J. Mashner Ashley Turbeville Tory Toomey Sandra Blount Tammy b henry Helen R Cooper Shelly B LaGroue Patricia LiMacon Heather Gill Maria Ann Callaghan

	Timestamp	Initials (Electronic Signature)	Full Name
77	12/16/2020 7:37:38	ASL	Adam Scott Labrato
78	12/16/2020 7:42:03	SVC	Sonya Hess Van Cleave
79	12/16/2020 7:46:06		Alan L. Heffernan
80	12/16/2020 7:46:10		Rebecca R Burton
81 82	12/16/2020 7:51:48 12/16/2020 7:53:46		Steven L McGough Jr Jessica Glenn
83	12/16/2020 7:53:40		Linda Kessler
84	12/16/2020 7:54:51		Lesli Poore
85	12/16/2020 8:10:34		Shannon Stacy Reese
86	12/16/2020 8:24:52	RM	Robert J Milam
87	12/16/2020 8:25:35	JBR	James Ross
88	12/16/2020 8:26:34		Heather Arrazate
89	12/16/2020 8:27:18 12/16/2020 8:27:39		Shannon Lorraine Bingley
90	12/16/2020 8:27:39		Jacob Arrazate Tehra Silva
92	12/16/2020 8:37:25		Kimberly Renee Palumbo
93	12/16/2020 8:45:22		Julie Betts
94	12/16/2020 8:51:17	DAS	Donald Alan Snapp
95	12/16/2020 8:54:55	EPV	Elizabeth Parker Vaulin
96	12/16/2020 9:04:12		Donna Laubenthal
97	12/16/2020 9:20:05		Lynn Krueger
98	12/16/2020 9:29:39		Ashley Stanford
99	12/16/2020 9:43:44 12/16/2020 9:45:32		Joan Symes Robert Symes
101	12/16/2020 9:45:32		Miranda Crawford
102	12/16/2020 10:35:50		Nancy Lee
103	12/16/2020 10:39:17		Bridgette Darrow
104	12/16/2020 10:48:11	MJC	Michael Jay Cummings
105	12/16/2020 11:09:42		Ashley Kick
106	12/16/2020 12:08:46		Sarah Bass
107 108	12/16/2020 12:09:57 12/16/2020 12:29:57		Katherine Bethea sara morris
109	12/16/2020 12:29:37		Patricia A Miller
110	12/16/2020 12:44:55	-	Jeremy Bass
111	12/16/2020 12:55:22		Melanie O. Houseknecht
112	12/16/2020 13:05:02	HKS	Haley Scardamalia
113	12/16/2020 13:24:41	BP	Brenda Patker
114	12/16/2020 13:27:08		Charles Miller
115	12/16/2020 13:27:25		Lisa Sherrer
116 117	12/16/2020 13:32:13 12/16/2020 13:49:29		Detriss Edwards Steven
118	12/16/2020 14:09:59		Kelly goff
119	12/16/2020 14:21:36	-	Karen Smith
120	12/16/2020 16:30:06	RG	Rora F Glenn
121	12/16/2020 16:47:06	CC	Chrystal Cicchine
122	12/16/2020 17:19:06		Riley michelle Uhle
123 124	12/16/2020 17:45:45	CJS/ Christine J. Saia	Amy L Gazzier Christine J. Saia
125	12/16/2020 18:40:56		JAnet English
126	12/16/2020 19:04:12		Elizabeth Bedinger
127	12/16/2020 19:31:17	MR	Mark Richards
128	12/16/2020 19:34:07	SZ	Sonya
129	12/16/2020 19:46:56		Lee Heffernan
130	12/17/2020 4:35:31		Jessica Bernal
131 132	12/17/2020 5:51:04 12/17/2020 6:18:27		Cheryl Diane meeks Ashley Morris
132	12/17/2020 6:18:27		Mandy G. Green
134	12/17/2020 8:20:21		Matthew Davis
135	12/17/2020 9:15:56		Brittany Brown
136	12/17/2020 11:04:02	GMG	Graham Green
137	12/17/2020 11:37:31		Donald Charpentier
138	12/17/2020 11:45:29		Joanne B Logan
139 140	12/17/2020 12:50:16 12/17/2020 14:28:26		Carrie Langenback Sandra K Kimble
141	12/17/2020 14:28:26		Cody Rawlinson
142	12/17/2020 14:33:55		Brian Gene Anderson
143	12/17/2020 14:41:25		Stacey M Anderson
144	12/17/2020 15:12:43	CR	Charlie Robinson
145	12/17/2020 15:35:10		Rita Kalifeh Rabon
146	12/17/2020 20:00:43		Beth Wooten
147	12/17/2020 20:30:00		Mijume F. Guillory Paula Barnhill
148 149	12/17/2020 21:15:43 12/17/2020 21:23:47		Steve Ascik
150	12/17/2020 23:28:53		Erica M Taylor
151	12/18/2020 0:38:36		Andrew Thomas Ellis
152	12/18/2020 14:35:54	JTB	Joseph T Bishop

STOP THE CLOSING OF THE SPANISH FORT POST OFFICE (Responses)

	Timestamp	Initials (Electronic Signature)	Full Name
153	12/18/2020 18:16:10	MR	Megan Rudd
154	12/18/2020 18:54:21	СМН	Chelsea M. Hughes
155	12/18/2020 21:46:23	AWB	Anna Wilk- Brown
156	12/20/2020 23:56:28	MJW	Michele Joy Williams
157	12/21/2020 18:28:39	DB	Donna Burkett
158	12/21/2020 18:39:03	PKG	Patricia K. Griffin
159	12/21/2020 19:06:23	VLS	Veronica Smith
160	12/21/2020 19:15:03	JAS	Jerry Smith
161	12/21/2020 19:33:46	PD	Paula Davis
162	12/21/2020 19:36:38		Ron Davis
163	12/21/2020 20:00:42	LA	Lisa Anderson
164	12/21/2020 20:06:00	Twk	Thelia Kelly
165	12/21/2020 20:18:18	JG	Joshua Gengo
166	12/21/2020 20:59:01	GLW	Gwen Woodruff
167	12/22/2020 7:09:54		chandler beane
168	12/22/2020 7:18:34		Donna H Reed
169	12/22/2020 7:35:16	TLPD	Teri Lynn Platt Dyess
170	12/22/2020 10:11:42	SF	Selene H Finch
171	12/22/2020 11:07:19	J. L.B.	Jesse L. Brewer Jr
172	12/22/2020 17:23:49	Ecf	Everett C. Farris
173	12/23/2020 11:50:43	MJK	Matthew Knoll
174	12/23/2020 11:52:19		Ashley Renee Swindle
175	12/26/2020 8:58:45	Dc	Della Croteau
176	12/26/2020 9:12:13	SAK	Sean A Kenny
177	12/26/2020 9:21:27	BC	Bryan Ashton Crone
178	12/26/2020 9:34:10	MB	Marcelle Brown
179	12/26/2020 10:26:02	ms	Maggie Sheldon
180	12/26/2020 10:56:07	TL	Tameka Logan
181	12/26/2020 13:02:47	AKC	Austen K Crooke
182	12/27/2020 13:43:02	JSM	Jennifer Sable McRee
183	12/27/2020 13:51:44	TWM	Terry Wayne McRee
184	12/29/2020 19:09:15	PDH	Pauline Doyle Heffernan
185	12/30/2020 8:58:42	JBS	Jennifer Stokes
186	12/30/2020 11:29:13	PMB	Pauline Marie Burnett
187	12/30/2020 19:42:39	WTN	Willie Tarldon Neese
188	12/31/2020 8:21:48	Meg	Mary Goodlin
189	12/31/2020 14:33:19	MJP	Monica J Peak
190	1/1/2021 11:04:56	C.S	Cheryl Smith
191	1/1/2021 14:12:26	wkp	wayne plaisance
192	1/3/2021 11:09:01	HGW	Helen Gaye Wilson
193	1/5/2021 15:01:45	TN	Theata Nethery
194	1/5/2021 15:03:58	TN	Theata Nethery
195	1/5/2021 15:06:03	JN	Jim Nethery
196	1/5/2021 18:29:41	JAM	Justice A. Manning
197	1/6/2021 12:04:49	JSS	Jill Stewart
198	1/7/2021 10:49:11	MM	Mildred Manning
199	1/11/2021 9:48:41	br	Rebecca Goram Ruland